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**PATENT**  
Attorney Docket No.: ATSER-007C1

By: \_\_\_\_\_  
Bao Tran

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MARTINEZ et al.

Application No.: 10/808,736

Filed: 3/18/2004

For: SYSTEMS & METHODS FOR  
AUTOMATING ASPHALT MIX  
DESIGN

Examiner: Davis, Octavia L.  
Art Unit: 3037

**RESPONSE**

Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

Sir:

The Office Action mailed June 10, 2005 rejected claims 1-3 and 6-9 under Section 102(e) as anticipated by Cox (2002/0191481). The Office Action also rejected claims 4-5 and 10-20 under Section 103(a) as unpatentable over Cox and Bahia et al.

**The Section 102 Rejection**

Claims 1-3 and 6-9 under Section 102(e) as anticipated by Cox. Cox relates to a portable asphalt mixing plant with a control system that adjusts the rate at which crumb rubber is added to oil so as to maintain a constant oil/rubber ratio in a mixer. The blending control process has a CPU to control the rate at which asphalt is pumped into a